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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,496	09/02/2003	Hirotaoka Ohashi	116706	2714

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/652,496	Applicant(s) OHASHI ET AL.	
	Examiner Chau Nguyen	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/27/2006 has been entered. Claims 2-19 and 21 are pending. Claims 1 and 20 are canceled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (Johnson), US Patent No. 6,453,302, and further in view of Morag, US Patent No. 6,324,545.

4. As to independent claims 2, 6 and 10, Johnson discloses a layout system, comprising:

a published information storage device that stores a plurality of pieces of published information (col. 7, lines 14-29: a memory arrangement 200 stores customer data and seller data (pieces of published information));

a published information selection device that selects the published information out of the published information storage device (col. 10, lines 28-38: retrieving information (customer and seller data) from the memory arrangement 200); and

a layout device that produces a layout of the published information selected out of the published information selection device, the layout device producing a layout by storing the published information in an information storage frame according to a template that defines items related to the information storage frame arranged in a predetermined layout region (col. 4, lines 18-60 and col. 10, lines 50-62: the presentation generation system 104 (the layout device) generates a presentation (a layout of published information by using cover page template that defines layout and content or topic of the information); and

a template storage device that stores a plurality of different templates (col. 7, lines 13-29 and col. 8, lines 43-55: template information 28 (template storage) includes templates used by the presentation generation system 104),

a template selection device being adapted to select a template out of the template storage device (col. 8, lines 35-42, and col. 10, lines 12-49: the presentation generation system 104 identifies appropriate a cover page template defining a cover page (this step may include identifying an appropriate cover page form a plurality of cover pages) based on customer information, the presentation generation system 104

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then integrates the template with the information to form a presentation (a layout of the published information).

However, Johnson does not explicitly disclose select a template according to the amount of published information selected by the published information selection device and to produce a layout of the published information according to the selected template.

In the same field of endeavor, Morag discloses a method of generating a photographic album comprising: providing a plurality of digitally encoded images (published information), automatically analyzing the images and automatically generating an album responsive to the analyzing (col. 3, lines 26-33). In addition, Morag discloses that after the images and instruction (published information) for album arrangement are received by the service provider, an optimal layout (template) of images in the album is determined (col. 7, lines 15-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morag with Johnson to include select a template according to the amount of published information selected by the published information selection device and to produce a layout of the published information according to the selected template. Morag suggests that automatically generating a photograph album by using digital techniques would enhance the quality of the resulting album.

5. As to dependent claims 3, 7 and 11, Johnson discloses the template being a page template that defines the shape, size, and arrangement of an information storage frame to be arranged in a layout region in page units (col. 10, lines 50-62: cover page

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template includes rules that define the layout and content or topic as well as color, size, shape).

6. As to dependent claims 4, 8 and 12, Johnson discloses the template being related to information that indicates the amount of publishable information which can be stored in the information storage frame defined by a relevant page template (col. 10, lines 12-62: the cover page template defines locations associated with rules which in turn define the layout of the cover page as well as the content, size, and other characteristics of the information on the cover page),

the template selection device being adapted to select out of the template storage device a page template that is suitable for the amount of published information selected by the published information selection device (col. 10, lines 12-27: based on the customer solution or customer information (amount of published information), retrieving a template defining a cover page).

7. As to dependent claims 5, 9 and 13, Johnson discloses the template selection device being adapted to calculate a total amount of published information which has been selected by the published information selection device but for which a layout has not been produced, to calculate an average amount of the published information on the basis of the calculated total amount of published information, and to select a page template of the amount of publishable information suitable for the calculated average amount of published information (col. 5, line 27 – col. 6, line 15 and col. 8, lines 35-58).

In addition, Morag discloses a method of generating a photographic album comprising: providing a plurality of digitally encoded images (published information), automatically analyzing the images and automatically generating an album responsive to the analyzing (col. 3, lines 26-33). In addition, Morag discloses that after the images and instruction (published information) for album arrangement are received by the service provider, an optimal layout (template) of images in the album is determined (col. 7, lines 15-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morag with Johnson to include select a template according to the amount of published information selected by the published information selection device and to produce a layout of the published information according to the selected template. Morag suggests that automatically generating a photograph album by using digital techniques would enhance the quality of the resulting album.

8. As to independent claim 14, Johnson discloses a layout system, comprising:

a published information storage device that stores a plurality of pieces of published information storage device (col. 7, lines 14-29: a memory arrangement 200 stores customer data and seller data (pieces of published information));

a published information selection device that selects the published information out of the published information storage device (col. 10, lines 28-38: retrieving information (customer and seller data) from the memory arrangement 200); and

a layout device that produces a layout of the published information selected out of the published information selection device, the layout device producing a layout by storing the published information in an information storage frame according to a template that defines items related to the information storage frame arranged in a predetermined layout region (col. 4, lines 18-60 and col. 10, lines 50-62: the presentation generation system 104 (the layout device) generates a presentation (a layout of published information by using cover page template that defines layout and content or topic of the information);

the published information being related to information that indicates the importance of the published information (col. 5, lines 43-57 and col. 9, line 60 – col. 10, line 11);

a template storage device that stores a plurality of different templates (col. 7, lines 13-29 and col. 8, lines 43-55: template information 28 (template storage) includes templates used by the presentation generation system 104),

the template storage device to select a template out of the template storage device (col. 8, lines 35-42, and col. 10, lines 12-49: the presentation generation system 104 identifies appropriate a cover page template defining a cover page (this step may include identifying an appropriate cover page form a plurality of cover pages) based on customer information, the presentation generation system 104 then integrates the template with the information to form a presentation (a layout of the published information).

However, Johnson does not explicitly disclose select a template according to the amount of published information selected by the published information selection device and to produce a layout of the published information according to the selected template.

In the same field of endeavor, Morag discloses a method of generating a photographic album comprising: providing a plurality of digitally encoded images (published information), automatically analyzing the images and automatically generating an album responsive to the analyzing (col. 3, lines 26-33). In addition, Morag discloses that after the images and instruction (published information) for album arrangement are received by the service provider, an optimal layout (template) of images in the album is determined (col. 7, lines 15-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morag with Johnson to include select a template according to the amount of published information selected by the published information selection device and to produce a layout of the published information according to the selected template. Morag suggests that automatically generating a photograph album by using digital techniques would enhance the quality of the resulting album.

9. As to dependent claim 15, Johnson discloses the template being a page template that defines the shape, size, and arrangement of an information storage frame to be arranged in a layout region in page units (col. 10, lines 50-62: cover page template includes rules that define the layout and content or topic as well as color, size, shape).

10. As to dependent claim 16, Johnson discloses the page template being related to information that indicates the recommended importance of published information to be stored in the information storage frame defined by the relevant page template (col. 5, lines 43-57, and col. 10, lines 12-62: the cover page template defines locations associated with rules which in turn define the layout of the cover page as well as the content, size, and other characteristics of the information on the cover page), and

the template selection device being adapted to select out of the template storage device a page template with a recommended importance suitable for the importance of the published information selected by the published information selection device (col. 9, line 60 – col. 10, line 27: based on the customer solution or customer information (amount of published information), retrieving a template defining a cover page).

As to dependent claim 17, Johnson discloses the template selection device being adapted to specify the highest level of importance of those levels of importance of published information to be published on each page among the published information which has been selected by the published information selection device but for which a layout has not been produced, and to select a page template with recommended importance suitable for the specified importance out of the template storage device (col. 5, line 27 – col. 6, line 15 and col. 8, lines 35-56).

11. As to dependent claim 18, Johnson discloses a user information storage device that stores user information related to a user, the published information selection device being adapted to select published information out of the published information storage device on the basis of the user information in the user information storage device (col. 5, line 33 – col. 6, line 15: customer solution system includes a customer tool which provides a convenient interface for entering customer information, and the customer information include a customer's profile, and the presentation generation system accesses the customer information and the customer solution, automatically generates presentation items based on the customer information and customer solution).

12. As to dependent claim 19, Johnson discloses a user information storage device that stores user information related to a user, the layout device producing a layout of the published information selected by the published information selection device on the basis of the user information in the user information storage device (col. 5, line 33 – col. 6, line 15: customer solution system includes a customer tool which provides a convenient interface for entering customer information, and the customer information include a customer's profile such as name, address, size, contact, specific interest, etc..., and the presentation generation system accesses the customer information and the customer solution, automatically generates presentation items based on the customer information and customer solution).

13. As to independent claims 21, Johnson discloses a layout system, comprising:

a layout device that produces a layout of published information, the layout device producing the layout by storing the published information in an information storage frame according to a template that defines items related to the information storage frame arranged in a predetermined layout region (col. 4, lines 18-60 and col. 10, lines 50-62: the presentation generation system 104 (the layout device) generates a presentation (a layout of published information by using cover page template that defines layout and content or topic of the information) , the system further comprising:

a template storage device that stores a plurality of different templates (col. 7, lines 13-29 and col. 8, lines 43-55: template information 28 (template storage) includes templates used by the presentation generation system 104),

a template selection device being adapted to select a template out of the template storage device (col. 8, lines 35-42, and col. 10, lines 12-49: the presentation generation system 104 identifies appropriate a cover page template defining a cover page (this step may include identifying an appropriate cover page form a plurality of cover pages) based on customer information, the presentation generation system 104 then integrates the template with the information to form a presentation (a layout of the published information).

However, Johnson does not explicitly disclose select a template according to the amount of published information selected by the published information selection device and to produce a layout of the published information according to the selected template.

In the same field of endeavor, Morag discloses a method of generating a photographic album comprising: providing a plurality of digitally encoded images

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(published information), automatically analyzing the images and automatically generating an album responsive to the analyzing (col. 3, lines 26-33). In addition, Morag discloses that after the images and instruction (published information) for album arrangement are received by the service provider, an optimal layout (template) of images in the album is determined (col. 7, lines 15-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morag with Johnson to include select a template according to the amount of published information selected by the published information selection device and to produce a layout of the published information according to the selected template. Morag suggests that automatically generating a photograph album by using digital techniques would enhance the quality of the resulting album.

Response to Arguments

In the remarks, Applicant(s) argued that the prior art fails to disclose the information to be published is selected first, and then the template is selected to fit the information.

In reply to this argument, Applicant's arguments with respect to the limitation "the information to be published is selected first, and then the template is selected to fit the information" have been considered but are moot in view of the new ground(s) of rejection under Johnson and Morag. Please see the rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The Examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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